

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jerry T. Irwin,

Civ. No. 20-1662 (PAM/LIB)

Plaintiff,

v.

ORDER

M.S.O.P.,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois dated December 1, 2020. The R&R recommends that the Court dismiss Plaintiff Jerry T. Irwin’s Complaint without prejudice and deny as moot his Application to Proceed in District Court without prepayment of fees and his request for appointment of counsel. Irwin did not file any objections to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s thorough reasoning.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 6) is **ADOPTED**;
2. The Complaint (Docket No. 1) is **DISMISSED without prejudice**;

3. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Docket No. 2) is **DENIED as moot**; and
4. Plaintiff's Motion to Appoint Counsel (Docket No. 4) is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 5, 2021

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge